

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

KEYBANK NATIONAL)	
ASSOCIATION,)	
)	
Plaintiff)	
)	
v.)	Civil No. 06-210-P-S
)	
MARTIAN BURTIC,)	
)	
Defendant)	

RECOMMENDED DECISION

On December 4, 2006, I granted defendant's motion to proceed in forma pauperis and directed that Mr. Burtic file an amended complaint by December 18, 2006, "that sets forth a claim against Key Bank that would be subject to federal jurisdiction or his 'removed' action may be subject to summary dismissal. A state court judgment cannot be 'appealed' to this court." As of today's date, no amended complaint has been filed by Mr. Burtic.

I now recommend that this matter be dismissed without prejudice in its entirety for defendant's failure to file an amended complaint in accordance with my Order of December 4, 2006. To the extent the case purports to remove from the state court a matter that was reduced to judgment on August 18, 2006, KeyBank National Association v. Martian Burtic, Cumberland County Superior Court, Docket No. Re-06-86, the matter is remanded forthwith.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions

entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (10) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (10) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

/s/ Margaret J. Kravchuk
U.S. Magistrate Judge

Dated December 20, 2006